

1
2 A bill to be entitled
3 An act relating to foreign influence; creating s.
4 286.101, F.S.; providing definitions; requiring any
5 state agency or political subdivision to disclose
6 certain gifts or grants received from any foreign
7 source to the Department of Financial Services within
8 a specified timeframe; providing an exception;
9 requiring any entity that applies for a certain grant
10 or proposes a certain contract to disclose to a state
11 agency or political subdivision any current or prior
12 interest of, contract with, or grant or gift received
13 from a foreign country of concern under certain
14 circumstances; requiring such entity to provide a copy
15 of such disclosure to the department within a
16 specified timeframe before applying for any grant or
17 proposing any contract; requiring such entity to
18 revise its disclosure within a specified timeframe
19 under certain circumstances; requiring the Department
20 of Management Services to screen certain vendors
21 periodically; requiring certain notification on the
22 online procurement system; requiring the Department of
23 Financial Services to establish and maintain an
24 Internet website to publish the disclosures;
25 authorizing the department to establish an online

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26 system for making such disclosures; authorizing the
27 Department of Management Services to coordinate with
28 the Department of Financial Services to establish such
29 online system; requiring the Department of Financial
30 Services to investigate allegations of certain
31 violations under certain circumstances; authorizing
32 the department or specified persons to request certain
33 records; providing for the assessment of fines and
34 penalties under certain circumstances; requiring the
35 department to include and maintain a list of
36 ineligible entities on a certain Internet website;
37 providing that information and records relating to a
38 gift or grant from a foreign source are not
39 confidential or exempt from public records
40 requirements; authorizing rulemaking; creating s.
41 288.860, F.S.; providing definitions; prohibiting
42 certain agencies and entities from participating in
43 agreements with or grants received indirectly from
44 foreign countries of concern under certain
45 circumstances; prohibiting such agencies and entities
46 from accepting anything of value as a condition for
47 participation in certain programs or endeavors that
48 promote the language or culture of foreign countries
49 of concern; creating s. 1010.25, F.S.; providing
50 definitions; requiring institutions of higher

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51 education to semiannually report to certain entities
52 regarding certain gifts they received directly or
53 indirectly from a foreign source; requiring such
54 institutions to provide certain information regarding
55 such gifts; requiring random inspections or audits of
56 gifts or gift agreements by certain inspectors
57 general; providing requirements for such inspections
58 or audits; requiring the Board of Governors or State
59 Board of Education, as applicable, to sanction
60 institutions that fail to report certain gifts within
61 a specified timeframe; providing for a civil penalty
62 for willful violations; requiring that the proceeds
63 from such penalty be deposited in a specified trust
64 fund; authorizing the Attorney General or Chief
65 Financial Officer to bring a civil action under
66 certain circumstances; providing for attorney fees and
67 costs; providing that information and records relating
68 to a gift from a foreign source are not confidential
69 or exempt from public records requirements;
70 authorizing the Board of Governors and State Board of
71 Education to adopt regulations and rules,
72 respectively; creating s. 1010.35, F.S.; requiring
73 certain state universities and other entities to
74 screen certain foreign applicants before employing
75 such applicant for research or research-related

76 support positions; requiring such applicant to provide
77 additional specified information as part of the
78 application process; requiring the president or chief
79 administrative officer of the state university and
80 entity to designate a research integrity office to
81 verify certain information contained in such
82 application, search certain public databases, and
83 submit certain information to specified federal
84 agencies; prohibiting the employment of an applicant
85 for failure to make certain disclosures; providing an
86 exception; requiring certain records to be maintained
87 by the research integrity office; requiring such
88 office to report the identity of any applicant who was
89 rejected for employment to certain law enforcement
90 agencies; requiring certain inspectors general or the
91 Auditor General to perform an operational audit by a
92 specified date; creating s. 1010.36, F.S.; requiring
93 certain state universities and other entities to
94 establish an international travel approval and
95 monitoring program; providing requirements for such
96 program; providing requirements for preapproval and
97 screening for foreign travel and foreign employment-
98 related activities engaged in by faculty, researchers,
99 and research department staff; requiring state
100 universities and entities to maintain certain records

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relating to foreign travel and activities for at least 10 years; requiring a state university or entity to provide a certain annual report to the Board of Governors or the governing board of the applicable entity and publish such report on its Internet website; requiring the Auditor General to perform, by a specified date, an audit of the institution to ensure compliance as part of the institution's next scheduled operational audit; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 286.101, Florida Statutes, is created to read:

286.101 Foreign gifts and contracts.—

(1) As used in this section, the term:

(a) "Contract" means any agreement for the direct benefit or use of any party to such agreement, including an agreement for the sale of commodities or services.

(b) "Foreign country of concern" means the People's Republic of China, the Russian Federation, the Islamic Republic of Iran, the Democratic People's Republic of Korea, the Republic of Cuba, the Venezuelan regime of Nicolás Maduro, or the Syrian Arab Republic, including any agency of or any other entity under

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126 significant control of such foreign country of concern.

127 (c) "Foreign government" means the government of any
128 country, nation, group of nations, or any province or other
129 political subdivision of any country or nation, other than the
130 government of the United States or the government of a state or
131 political subdivision, including any agent of such foreign
132 government.

133 (d) "Foreign source" means any of the following:

134 1. A foreign government or an agency of a foreign
135 government.

136 2. A legal entity, governmental or otherwise, created
137 solely under the laws of a foreign state or states.

138 3. An individual who is not a citizen or a national of the
139 United States or a territory or protectorate of the United
140 States.

141 4. An agent, including a subsidiary or an affiliate of a
142 foreign legal entity, acting on behalf of a foreign source.

143 (e) "Gift" means any gift of money or property.

144 (f) "Grant" means a transfer of money for a specified
145 purpose, including a conditional gift.

146 (g) "Interest" in an entity means any direct or indirect
147 investment in or loan to the entity valued at 5 percent or more
148 of the entity's net worth or any form of direct or indirect
149 control exerting similar or greater influence on the governance
150 of the entity.

151 (h) "State agency" means any agency or unit of state
152 government created or established by law.

153 (2) Any state agency or political subdivision that
154 receives any gift or grant with a value of \$50,000 or more from
155 any foreign source shall disclose such gift or grant to the
156 Department of Financial Services within 30 days after receiving
157 such gift or grant. Disclosure is not required if such gift or
158 grant is disclosed under s. 1010.25.

159 (3) (a) Any entity, other than a state agency or political
160 subdivision, that applies to a state agency or political
161 subdivision for a grant or proposes a contract having a value of
162 \$100,000 or more, except for a proposal to sell commodities or
163 services through the online procurement program established
164 pursuant to s. 287.057(22), shall disclose to the state agency
165 or political subdivision any current or prior interest of, any
166 contract with, or any grant or gift received from a foreign
167 country of concern if such interest, contract, or grant or gift
168 has a value of \$50,000 or more and such interest existed at any
169 time or such contract or grant or gift was received or in force
170 at any time during the previous 5 years. Within 1 year before
171 applying for any grant or proposing any contract, such entity
172 must provide a copy of such disclosure to the Department of
173 Financial Services.

174 (b) From the time a disclosure is made under paragraph (a)
175 through the term of any awarded state grant or contract, the

entity must revise its disclosure within 30 days after entering into a contract with or receiving a grant or gift from a foreign country of concern or within 30 days after the acquisition of any interest in the entity by a foreign country of concern.

(4) At least once every 5 years, the Department of Management Services shall screen each vendor of commodities or services participating in the online procurement system if such vendor has the capacity to fill an order of \$100,000 or more. Screening must be conducted through federal agencies responsible for identifying persons and organizations subject to trade sanctions, embargoes, or other restrictions under federal law. If a vendor is identified as being subject to any such sanctions, embargoes, or other restrictions, the vendor must make the disclosures required under subsection (3) until such restriction expires. A notification regarding the applicability of the disclosure requirement in subsection (3) to the vendor must be included on the online procurement system when applicable. The Department of Management Services must ensure that the disclosures made by vendors using the online procurement system are easily accessible by the system's participants.

(5) The Department of Financial Services must establish and maintain an Internet website to publish the disclosures required under this section. The Department of Financial Services may establish an online system for making such

disclosures. The Department of Management Services may coordinate with the Department of Financial Services to establish the online system.

(6) (a) Upon receiving a referral from an inspector general or other compliance officer of a state agency or political subdivision or any sworn complaint based upon substantive information and reasonable belief, the Department of Financial Services must investigate an allegation of a violation of this section.

(b) The Department of Financial Services, an inspector general, or any other agent or compliance officer authorized by a state agency or political subdivision may request records relevant to any reasonable suspicion of a violation of this section. Such entity must provide the required records within 30 days after such request or at a later time agreed to by the investigating state agency or political subdivision.

(7) (a) Failure to make a disclosure required under this section or failure to provide records requested under paragraph (6) (b) constitutes a civil violation punishable upon a final order of the Department of Financial Services by an administrative fine of \$5,000 for a first violation or \$10,000 for any subsequent violation.

(b) In addition to any fine assessed under paragraph (a), a final order determining a third or subsequent violation by a state agency or political subdivision must include a

determination of the identity of the officer responsible for acceptance of the undisclosed grant or gift. Such order must also include a referral by the Department of Financial Services to the Governor or other officer authorized to suspend or remove the officer responsible for acceptance of the undisclosed grant or gift from public office. A copy of such referral must be provided to the President of the Senate and the Speaker of the House of Representatives for oversight of such suspension and removal authority.

(c) In addition to any fine assessed under paragraph (a), a final order determining a third or subsequent violation by an entity other than a state agency or political subdivision shall automatically disqualify the entity from eligibility for any grant or contract funded by a state agency or any political subdivision until such ineligibility is lifted by the Administration Commission for good cause. The Department of Financial Services shall include and maintain an active and current list of such ineligible entities on the Internet website maintained under subsection (5).

(8) Notwithstanding any other law to the contrary, information and records relating to a gift or grant from a foreign source are not confidential or exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

(9) (a) The Department of Management Services may adopt rules necessary to carry out its responsibilities under this

251 section. The rules may identify the federal agencies to be
252 consulted under subsection (4) and the procedure for notifying a
253 vendor of the disclosure requirements under this section when
254 applicable. The Department of Management Services may also adopt
255 rules providing for the application of this section to the
256 online procurement system.

257 (b) The Department of Financial Services may adopt rules
258 necessary to carry out its responsibilities under this section.

259 (c) Any rules necessary to implement this section must be
260 published by December 1, 2021, unless the applicable department
261 head certifies in writing that a delay is necessary and the date
262 by which the proposed rules will be published. Such
263 certification must be published in the Florida Administrative
264 Register and a copy provided to the Joint Administrative
265 Procedures Committee.

266 Section 2. Section 288.860, Florida Statutes, is created
267 to read:

268 288.860 International cultural agreements.—

269 (1) As used in this section, the term:

270 (a) "Foreign country of concern" means the People's
271 Republic of China, the Russian Federation, the Islamic Republic
272 of Iran, the Democratic People's Republic of Korea, the Republic
273 of Cuba, the Venezuelan regime of Nicolás Maduro, or the Syrian
274 Arab Republic, including any agency of or any other entity under
275 significant control of such foreign country of concern.

276 (b) "Political subdivision" means any entity under the
277 control of or established for the benefit of a political
278 subdivision.

279 (c) "Public school" means any education institution under
280 the supervision of a school district.

281 (d) "State agency" means any agency or unit of state
282 government created or established by law.

283 (e) "State college" means any postsecondary education
284 institution under the supervision of the State Board of
285 Education, including any entity under the control of or
286 established for the benefit of a state college.

287 (f) "State university" means any state university under
288 the supervision of the Board of Governors, including any entity
289 under the control of or established for the benefit of a state
290 university.

291 (2) A state agency, political subdivision, public school,
292 state college, or state university authorized to expend state-
293 appropriated funds or levy ad valorem taxes may not participate
294 in any agreement with or accept any grant from a foreign country
295 of concern, or any entity controlled by a foreign country of
296 concern, which establishes a program or other endeavor to
297 promote the language or culture of a foreign country of concern.

298 (3) A state agency, political subdivision, public school,
299 state college, or state university may not accept anything of
300 value conditioned upon participation in a program or other

endeavor to promote the language or culture of a foreign country
of concern.

Section 3. Section 1010.25, Florida Statutes, is created
to read:

1010.25 Foreign gift reporting.—

(1) As used in this section, the term:

(a) "Affiliate organization" means any entity under the
control of or established for the benefit of an organization
required to report under this section, including a direct-
support organization.

(b) "Direct-support organization" has the same meaning as
provided in ss. 1004.28(1)(a), 1004.70(1)(a), and 1004.71(1)(a).

(c) "Foreign government" means the government of any
country, nation, group of nations, or any province or other
political subdivision of any country or nation, other than the
government of the United States or the government of a state or
political subdivision, including any agent of such foreign
government.

(d) "Foreign source" means any of the following:

1. A foreign government or an agency of a foreign
government.

2. A legal entity, governmental or otherwise, created
solely under the laws of a foreign state or states.

3. An individual who is not a citizen or a national of the
United States or a territory or protectorate of the United

326 States.

327 4. An agent, including a subsidiary or an affiliate of a
328 foreign legal entity, acting on behalf of a foreign source.

329 (e) "Gift" means any contract, gift, grant, endowment,
330 award, or donation of money or property of any kind, or any
331 combination thereof, including a conditional or an unconditional
332 pledge of such contract, gift, grant, endowment, award, or
333 donation. For purposes of this paragraph, the term "pledge"
334 means a promise, an agreement, or an expressed intention to give
335 a gift.

336 (f) "Institution of higher education" means a state
337 university; an entity listed in subpart B of part II of chapter
338 1004 that has its own governing board; a Florida College System
339 institution; an independent nonprofit college or university that
340 is located in and chartered by the state and grants
341 baccalaureate or higher degrees; any other institution that has
342 a physical presence in the state and is required to report
343 foreign gifts or contracts pursuant to 20 U.S.C. s. 1011f; or an
344 affiliate organization of an institution of higher education.

345 (2) Each institution of higher education must semiannually
346 report, each January 31 and July 31, any gift received directly
347 or indirectly from a foreign source with a value of \$50,000 or
348 more during the fiscal year. If a foreign source provides more
349 than one gift directly or indirectly to an institution of higher
350 education in a single fiscal year and the total value of those

351 gifts is \$50,000 or more, all gifts received from that foreign
352 source must be reported. For purposes of this subsection, a gift
353 received from a foreign source through an intermediary shall be
354 considered an indirect gift to the institution of higher
355 education. A report required under this subsection must be made
356 to the following entities:

357 (a) The Board of Governors, if the recipient is a state
358 university, an entity listed in subpart B of part II of chapter
359 1004 that has its own governing board, or an affiliate
360 organization.

361 (b) The State Board of Education, if the recipient is any
362 other institution of higher education or an affiliate
363 organization.

364 (3) For each gift subject to the reporting requirement in
365 subsection (2), the institution of higher education must provide
366 the applicable entity all of the following information, unless
367 otherwise prohibited or deemed confidential under federal or
368 state law:

369 (a) The amount of the gift and the date it was received.

370 (b) The contract start and end date if the gift is a
371 contract.

372 (c) The name of the foreign source and, if not a foreign
373 government, the country of citizenship, if known, and the
374 principal residence or domicile of the foreign source.

375 (d)1. A copy of a gift agreement between the foreign

376 source and the institution of higher education, signed by the
377 foreign source and the chief administrative officer of the
378 institution of higher education, or their respective designees,
379 which must include a detailed description of the purpose for
380 which the gift will be used by the institution of higher
381 education, the identification of the persons for whom the gift
382 is explicitly intended to benefit, and any applicable
383 conditions, requirements, restrictions, or terms made a part of
384 the gift regarding the control of curricula, faculty, student
385 admissions, student fees, or contingencies placed upon the
386 institution of higher education to take a specific public
387 position or to award an honorary degree.

388 2. Beginning July 1, 2022, the Inspector General of the
389 Board of Governors or the Inspector General of the Department of
390 Education, as applicable, shall, within existing resources,
391 randomly inspect or audit at least 10 percent of the total
392 number of gifts or gift agreements received from institutions of
393 higher education pursuant to this paragraph during the previous
394 year. The inspection or audit shall examine the extent to which
395 the institution of higher education exercised due diligence with
396 respect to whether the gift was received from a foreign source,
397 as well as the institution of higher education's compliance with
398 the requirements of this section.

399 3. Upon the request of the Governor, the President of the
400 Senate, or the Speaker of the House of Representatives, the

401 Inspector General of the Board of Governors or the Inspector
402 General of the Department of Education, as applicable, must
403 inspect or audit a gift or gift agreement.

404 (4) The Board of Governors or the State Board of
405 Education, as applicable, shall exercise the authority provided
406 pursuant to s. 1008.322 or s. 1008.32, respectively, to sanction
407 an institution of higher education that fails to report a
408 reportable gift within 60 days after the reporting deadlines
409 established in subsection (2).

410 (5)(a) An institution of higher education that knowingly,
411 willfully, or negligently fails to disclose the information
412 required by this section shall be subject to a civil penalty of
413 105 percent of the amount of the undisclosed gift, payable only
414 from nonstate funds of the institution of higher education or
415 the affiliate organization that received such gift. The
416 recovered funds must be deposited into the General Revenue Fund.
417 The Board of Governors and the State Board of Education, as
418 applicable, may administratively enforce this section and impose
419 the civil penalty as an administrative penalty.

420 (b) In the absence of enforcement by the Board of
421 Governors or the State Board of Education, as applicable, the
422 Attorney General or Chief Financial Officer may bring a civil
423 action to enforce this section. If such action is successful,
424 the Attorney General or Chief Financial Officer, as applicable,
425 is entitled to reasonable attorney fees and costs.

426 (6) Notwithstanding any other law to the contrary,
427 information and records relating to a gift from a foreign source
428 are not confidential or exempt from s. 119.07(1) and s. 24(a),
429 Art. I of the State Constitution.

430 (7) The Board of Governors may adopt regulations, and the
431 State Board of Education may adopt rules, to implement this
432 section.

433 Section 4. Section 1010.35, Florida Statutes, is created
434 to read:

435 1010.35 Screening foreign researchers.—

436 (1) Beginning July 1, 2021, each state university or
437 entity listed in subpart B of part II of chapter 1004 that
438 receives state appropriations or state tax revenue and has a
439 research budget of \$10 million or more must screen applicants
440 for research or research-related support positions who are
441 citizens of a foreign country and who are not permanent
442 residents of the United States, including graduate and
443 undergraduate students.

444 (2) In addition to satisfying all employment and
445 enrollment qualifications imposed by federal law, the Board of
446 Governors or the governing board of the applicable entity must
447 require a foreign applicant as described in subsection (1) to
448 submit a complete copy of his or her most recently submitted
449 Nonimmigrant Visa Application, DS-160; a complete resume and
450 curriculum vitae, including every institution of higher

451 education attended; all previous employment since the
452 applicant's 18th birthday; and a list of all published material
453 for which the applicant received credit as an author, a
454 researcher, or otherwise or to which the applicant contributed
455 significant research, writing, or editorial support. For
456 applicants who have been continually employed or enrolled in a
457 postsecondary education institution in the United States for 20
458 years or more, the resume may, but need not, include employment
459 history before the most recent 20 years.

460 (3) The president or chief administrative officer of the
461 state university or applicable entity shall designate a research
462 integrity office to verify all attendance, employment,
463 publications, and contributions listed in the application
464 required in subsection (2). The research integrity office must
465 search public databases for research publications and
466 presentations and public conflict of interest records to
467 identify any research publication or presentation that may have
468 been omitted from the application. The research integrity office
469 must submit the applicant's name and other identifying
470 information to the Federal Bureau of Investigation or any
471 federal agency willing to scrutinize such applicant for national
472 security or counterespionage purposes and search any public
473 listings of persons subject to sanctions or restrictions under
474 federal law.

475 (4) The requirements of this section must be completed

476 before employing an applicant described in subsection (1) in any
477 research or research-related support position and before
478 granting such applicant any access to research data or
479 activities or other sensitive data. An applicant may not be
480 employed in any research or research-related support position if
481 he or she fails to disclose a substantial educational,
482 employment, or research-related activity or publication or
483 presentation at the time of submitting the application required
484 in subsection (2), unless the department head, or his or
485 designee, certifies in writing the substance of the
486 nondisclosure and the reasons for disregarding such failure to
487 disclose. A copy of such certification must be kept in the
488 investigative file of the research integrity office and must be
489 submitted to the nearest Federal Bureau of Investigation field
490 office.

491 (5) The research integrity office must report to the
492 nearest Federal Bureau of Investigation field office, and to any
493 law enforcement agency designated by the Governor or the Board
494 of Governors and the governing board of the applicable entity
495 described in subsection (1), the identity of any applicant who
496 was rejected for employment based on the scrutiny required by
497 this section or other security-related screening.

498 (6) By July 1, 2025, the Inspector General of the Board of
499 Governors, the inspector general of an entity described in
500 subsection (1), or the Auditor General must perform an

operational audit regarding the implementation of this section.

Section 5. Section 1010.36, Florida Statutes, is created to read:

1010.36 Foreign travel; research institutions.—

(1) By January 1, 2022, each state university or entity listed in subpart B of part II of chapter 1004 that receives state appropriations or state tax revenue and has a research budget of \$10 million or more must establish an international travel approval and monitoring program. The program must require preapproval and screening by a research integrity office designated by the president or chief administrative officer of the state university or entity for any foreign travel and foreign employment-related activities engaged in by all faculty, researchers, and research department staff. Such requirement is in addition to any other travel approval process applicable to the state university or entity.

(2) (a) Preapproval by the research integrity office must be based on the applicant's review and acknowledgement of guidance published by the employing state university or entity which relates to countries under sanctions or other restrictions of the state or the United States government, including any federal license requirement; customs rules; export controls; restrictions on taking state university or entity property, including intellectual property, abroad; restrictions on presentations, teaching, and interactions with foreign

526 colleagues; and other subjects important to the research and
527 academic integrity of the state university or entity.

528 (b) Preapproval must be based on the binding commitment of
529 the individual traveler not to violate the state university's or
530 entity's limitations on travel and activities abroad and to obey
531 all applicable federal laws.

532 (3) The state university or entity must maintain records
533 of all applications for foreign travel and activities; expenses
534 incurred during such travel and activities, including for
535 travel, food, and lodging; and payments and honoraria received
536 during such travel and activities, including for travel, food,
537 and lodging. The state university or entity must also keep
538 records of all teaching, presentations, and other activities
539 related to the individual traveler's professional, research, and
540 academic activities undertaken during foreign travel. Such
541 records must be retained for at least 10 years or any longer
542 period of time required by any other applicable state or federal
543 law.

544 (4) The state university or entity must provide an annual
545 report of foreign travel and activities listing individual
546 travelers, foreign locations visited, and foreign institutions
547 visited for presentations, teaching, or research to the Board of
548 Governors or the governing board of the applicable entity and
549 publish such report on its Internet website.

550 (5) Unless an operational audit has been previously

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551 submitted by the institution's inspector general or internal
552 auditor, by January 1, 2022, the Auditor General must perform an
553 audit of the institution to ensure compliance with this section
554 as part of the institution's next scheduled operational audit.

555 Section 6. This act shall take effect July 1, 2021.

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